

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 4, and 6-22 are presently active; Claims 9, 10, 13, 14, 17, 18, 21, and 22 have been amended by the present amendment.

Claims 10, 14, 18, and 22 were rejected under 35 U.S.C. § 101. Claims 10, 14, 18, and 22 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 4, 8-10, and 15-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 5,579,055 to Hamilton et al. in view of U.S. Pat. No. 6,147,714 to Terasawa et al. (U.S. Pat. No. 6,665,873) to Van Getsel et al., U.S. Pat. No. 5,940,073) to Klosterman et al. (hereinafter Klosterman '073) and U.S. Pat. No. 5,550,576) to Klosterman (hereinafter Klosterman '576). Claims 6 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hamilton et al., Terasawa et al., Van Getsel et al., Klosterman '073, and Klosterman '576 in view of U.S. Pat. No. 5,559,548 to Davis et al. Claims 11-14 and 19-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Davis et al. in view of Terasawa et al. and Klosterman '073.

Regarding the rejection under 35 U.S.C. § 101, Claims 10, 14, 18, and 22 have been amended to recite a computer-readable medium encoded with a computer program recognized in the M.P.E.P. § 2106 IV (B) (1) (a) as statutory. Thus, the 35 U.S.C. § 101 rejection has been overcome.

Regarding the 35 U.S.C. § 112, second paragraph, rejection, the present amendment amends the claims to recite features clearly showing that the apparatus in each claim has been placed in configuration by the recited computer program. Accordingly, Applicants respectively submit that the claims are in compliance with 35 U.S.C. § 112, second

paragraph, in that these claims particularly point out the subject matter of the claimed invention.

Further, these changes are supported by the specification which describes on page 20 that, in step S43, the CPU 25a enlarges the program information extracted in step S42 and writes it in a predetermined region of a frame memory 23, whereby it can be emphatically displayed in the top row on a CRT 24, and further that in step 544, the CPU 25a uses the CRT 24 to display other program information in the order of channels.

As explained in the specification on page 14, line 22, to page 15, line 14, these measures increase the possibility that a user watches the programs from the broadcasting station.

These features are not shown or suggested in the applied references. Klosterman '073 applied for its teaching of showing in Figure 4a a preference to NBC does not show NBC in a top row of the display screen. Indeed, to arrive at the presently claimed invention, one would have to eliminate the top row calendar in Klosterman '073 and replace it with a NBC promotion, which would only be a change predicated by impermissible hindsight reconstruction

Hence, it is respectfully submitted that the independent Claims 1 and 8-22, and the claims dependent therefrom, patentably define over the prior art references of record.

Consequently, in view of the present amendment and in light of the above discussions, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

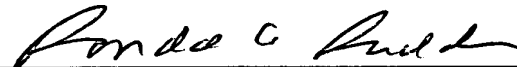
Customer Number

22850

Tel: (703) 413-3000

Fax: (703) 413-2220

(OSMMN 06/04)



Bradley D. Lytle

Attorney of Record

Registration No. 40,073

Ronald A. Rudder, Ph.D.

Registration No. 45,618